



SPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Samuel Steinemann	Examiner:	J. Combs-Morillo
Serial No.:	10/750,446	Group Art Unit:	1742
Confirmation No.:	1771	Docket:	1409-2 RCE/CON/RCE
Filed:	December 31, 2003	Dated:	July 23, 2007
For:	BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
On: July 23, 2007.
Signed: Rachel J. Morillo

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

On June 21, 2007, the undersigned conducted a telephone interview with Examiner Janelle Combs-Morillo. The following is a statement of the substance of the interview.

During the interview, the Non-Final Office Action mailed on October 27, 2006 was discussed, as well as Applicant's Amendment in Response dated April 27, 2007. More specifically, the undersigned further clarified the features distinguishing the claimed invention from the cited prior art, including GB 1,305,879.

The undersigned noted that the claims have been amended to include a zirconium content of less than 19% by weight which is substantially different from the Zr content taught

Applicant: Samuel Steinemann
Serial No.: 10/750,446
Filing Date: December 31, 2003
Docket No.: 1409-2 RCE/CON/RCE
Page 2

by the '879 patent. In addition, the undersigned noted that the '879 patent actually teaches away from using zirconium in an amount less than 19% by weight because one skilled in the art reading Table 2 and other portions of the '879 patent would believe having an alloy having such a low weight percent of zirconium would not have the tensile strength necessary for an implant.

In the Interview Summary, issued by the Examiner on June 27, 2007, the Examiner states that claim 11 was discussed. Applicant's respectfully submit that the features distinguishing the claimed invention from the '879 patent and other prior art of record apply equally to the other pending claims.

Applicant's thank Examiner Combs-Morillo for granting the interview and for the courtesies extended the undersigned during the interview. Applicants respectfully submit that the pending claims, i.e. claims 11 and 14-21 are now in condition for allowance.

Applicant: Samuel Steinemann
Serial No.: 10/750,446
Filing Date: December 31, 2003
Docket No.: 1409-2 RCE/CON/RCE
Page 3

If the Examiner believes that an additional telephonic interview would assist in moving the application toward allowance, she is respectfully invited to contact the applicant's undersigned attorney at the telephone number provided below.

Respectfully submitted,


James F. Harrington
Registration No.: 44,741
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
JFH/rd
276891_1